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August 7, 2003

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Federal Communications Commission  
Office of the Secretary

Secretary Marlene Dortch  
445 12th Street, S.W.  
Washington, DC 20554

Re: Emergency Stay of FCC Rules on Faxing Needed

Dear Secretary Dortch:

RE: CG Docket No. 02-278

As member of the NATIONAL ASSOCIATION OF REALTORS(NAR), I am writing to convey my wholehearted support for NAR's Request for Emergency Stay of Facsimile Advertisement Rules in the above referenced docket matter. The FCC's decision to remove the established business relationship exception from the unsolicited fax advertisements rules severely interferes with my day-to-day business as a real estate professional. Furthermore, the rules hinder the communications that my national, state and local REALTOR associations routinely send via facsimile, including information on conventions or continuing education classes, which is a benefit that I expect as a dues paying member.

NAR in its Request for Emergency Stay of Facsimile Advertisement Rules has outlined the detrimental impact that these rules will have on its over 900,000 members and on the operations of over 3.5 million professionals in the real estate industry. I echo NAR's position and emphasize that it will be extremely difficult to obtain the required written consent to send faxes to my customers, vendors and real estate colleagues in the now less than 30 days that the FCC is allowing for implementation. It will also be difficult for my local board, state association, and national association to seek and obtain written consent from their respective membership prior to faxing important information about upcoming conferences, promotions and other events. As a REALTOR member, I rely on this timely and effective means of communication. It is unreasonable to think that an association can seek and obtain consent from almost 1 million members by August 25, 2003.

Today, there are over 2 million U.S. homes in the real estate sales transaction pipeline. Communicating via facsimiles is instrumental to ensuring a timely and successful transaction. An effective date of August 25, 2003 can potentially delay the majority of these transactions. To secure the appropriate written consent will significantly impact the homebuyers and home sellers ability to move promptly in highly competitive housing markets. It will take time to adapt to this new requirement; businesses will have to amend current practices to gain this new consent from consumers and vendors.

It is in this regard that I urge the FCC to stay the effective date of the unanticipated and unprecedented fax rules for one-year. One year will allow the national, state and local associations to incorporate the required written consent form into the annual dues billing cycle. This is the most effective method for me and the 900,000 other members to provide express written consent to NAR and my state and local REALTOR associations. In addition, the stay is also essential in order to institute the required compliance procedures for fax communications with my existing and future client and business relationships to ensure minimal disruption in the real estate transaction.

Thank you for your attention and consideration in this matter.

